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March 3, 2009

BY HAND DELIVERY

Mr. John V. Giusti
Acting Chief
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Petition for Protection from Whipsawing and Stop Settlement
Payment Order on U.S. Tonga Route (IB Docket No. 09-10)

**REACH Services (USA) Inc. –
Request for Confidential Treatment**

Dear Mr. Giusti:

On behalf of REACH Services (USA) Inc. and its affiliates, ("REACH" or the "Company"), enclosed please find a letter and attachment in response ("Response") to your letter dated February 18, 2009 (the "Letter").¹

In responding to your Letter, REACH has provided company-specific information about its business operations that is not ordinarily disclosed to any unrelated person or entity. Accordingly, pursuant to sections 0.457 and 0.459 of the Commission's rules,² REACH requests

¹ Letter from John V. Giusti, Federal Communications Commission to Robert Aarnoth, Kelley Drye & Warren LLP, Counsel to REACH Services (USA) Inc. (Feb. 18, 2009).

² 47 C.F.R. §§ 0.457, § 0.459.

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that the Commission afford confidential treatment to the Response and the attachment in their entirety.

The information for which REACH requests confidential treatment constitutes sensitive commercial information that falls within Exemption 4 of the Freedom of Information Act ("FOIA").³ Specifically, REACH requests confidential treatment of the Response and the attachment, in their entirety, because they contain information that REACH ordinarily does not disclose to unrelated third parties, and disclosure of the information could have adverse competitive consequences for REACH.

Exemption 4 allows parties to withhold from public information "trade secrets and commercial or financial information obtained from any person and privileged or confidential-categories of materials not routinely available for public inspection." Applying Exemption 4, the courts have stated that commercial or financial information is confidential if its disclosure will have either of the following effects: (1) impairment of the government's ability to obtain necessary information in the future; or (2) causation of substantial harm to the competitive position of the person from whom the information was obtained.

Section 0.457(d)(2) of the Commission's rules allows persons submitting materials that they wish to be withheld from public inspection in accordance with Section 552(b)(4) of the FOIA to file a request for non-disclosure. The requirements governing such requests are set forth in section 0.459(b). In accordance with the specifications delineated in that rule, REACH hereby submits the following:

1. IDENTIFICATION OF SPECIFIC INFORMATION FOR WHICH
CONFIDENTIAL TREATMENT IS SOUGHT (SECTION 0.459(B)(1))

REACH seeks confidential treatment of its Response and attachment in their entirety because the information contained therein comprises commercially sensitive information that falls within Exemption 4 of the FOIA.

2. IDENTIFICATION OF THE COMMISSION PROCEEDING IN WHICH
THE INFORMATION WAS SUBMITTED OR A DESCRIPTION OF THE
CIRCUMSTANCES GIVING RISE TO THE SUBMISSION (SECTION 0.459(B)(2))

REACH is filing its Response and attachment as directed by the February 18, 2009 Letter.

³ See 5 U.S.C. § 552(b)(4); 47 C.F.R. § 0.457(d).

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3. EXPLANATION OF THE DEGREE TO WHICH THE INFORMATION IS COMMERCIAL OR FINANCIAL, OR CONTAINS A TRADE SECRET OR IS PRIVILEGED (SECTION 0.459(B)(3))

REACH's Response and attachment contain specific information about the Company's internal business operations which REACH does not ordinarily disclose. The Response and attachment for which REACH seeks confidential treatment accordingly contain sensitive commercial information that competitors could use to REACH's disadvantage. The Commission has broadly defined commercial information, stating that "[c]ommercial" is broader than information regarding basic commercial operations, such as sales and profits; it includes information about work performed for the purpose of conducting a business's commercial operations."⁴

4. EXPLANATION OF THE DEGREE TO WHICH THE INFORMATION CONCERNS A SERVICE THAT IS SUBJECT TO COMPETITION (SECTION 0.459(B)(4))

REACH provides telecommunications services which are subject to intense competition from numerous industry participants. Disclosure of information about the Company could have competitive consequences for REACH and could be used by competitors or others to harm the Company. This competition makes it imperative that the Commission afford confidential treatment to the Response and the attachment in their entirety.

5. EXPLANATION OF HOW DISCLOSURE OF THE INFORMATION COULD RESULT IN SUBSTANTIAL COMPETITIVE HARM (SECTION 0.459(B)(5))

Release of the information for which REACH requests confidentiality could have a significant impact on its commercial operations and would provide competitors with an unfair competitive advantage.

6. IDENTIFICATION OF ANY MEASURES TAKEN TO PREVENT UNAUTHORIZED DISCLOSURE (SECTION 0.459(B)(6))

REACH ordinarily does not disclose information about its internal business operations. REACH requires all of its employees, agents and contractors to maintain the confidentiality of this information.

⁴ *Southern Company Request for Waiver of Section 90.629 of the Commission's Rules, Memorandum Opinion and Order, 14 FCC Rcd 1851, 1860 (1998) (citing Public Citizen Health Research Group v. FDA, 704 F.2d 1280, 1290 (D.C. Cir. 1983)).*

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7. IDENTIFICATION OF WHETHER THE INFORMATION IS
AVAILABLE TO THE PUBLIC AND THE EXTENT OF ANY PREVIOUS DISCLOSURE
OF THE INFORMATION TO THIRD PARTIES (SECTION 0.459(B)(7))

The information contained in the Response and attachment have not been disclosed to third parties.

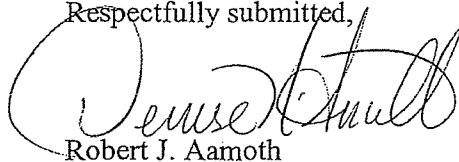
8. JUSTIFICATION OF PERIOD DURING WHICH THE SUBMITTING
PARTY ASSERTS THAT THE MATERIAL SHOULD NOT BE AVAILABLE FOR PUBLIC
DISCLOSURE (SECTION 0.459(B)(8))

REACH respectfully requests that the Commission withhold the information contained in the Response and attachment from public inspection indefinitely.

As demonstrated above, the information for which REACH seeks confidential treatment is entitled to exemption from disclosure under both FOIA and the Commission's rules.

If any person or entity requests disclosure of the enclosed Response and attachment, please notify counsel for REACH immediately in order to permit it to oppose such request or take such other action to safeguard its interests as it deems necessary. Please direct any questions as to this matter, including the request for confidential treatment, to the undersigned.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Denise N. Smith".

Robert J. Aamoth

Denise N. Smith

Counsel to REACH Services (USA) Inc.

Attachment